



In the Matter of:

PATRICK STUDER

ARB CASE NO. 97-073
(Formerly ARB Case No. 97-035)

COMPLAINANT,

ALJ CASE NO. 96-CAA-4

v.

DATE: May 14, 1998

RUSSELL STOVER CANDIES, INC.,

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD

SUPPLEMENTAL DECISION AND ORDER
AWARDING ATTORNEY'S FEES

This case arises under the Clean Air Act (CAA), 42 U.S.C. §7622 (1988). The parties submitted a Settlement Agreement to the Administrative Law Judge (ALJ) seeking approval of the settlement and dismissal of the complaint. The ALJ issued a Recommended Order of Dismissal on December 23, 1996, approving the settlement. This Board issued a Final Decision and Order Approving Settlement and Dismissing Complaint on February 11, 1997.

Page 1 of the Settlement Agreement states that "Russell Stover Candies, Inc. will pay Mr. Studer's reasonable attorneys' fees and costs incurred in this proceeding as provided by law." On March 12, 1997 Counsel for Complainant filed an application for attorney fees, which was approved by the Administrative Law Judge (ALJ).

A complainant who prevails in a whistleblower action is entitled to "a sum equal to the aggregate amount of all costs and expenses (including attorney and expert witness fees) reasonably incurred by the complainant, as determined by the Secretary, for, or in connection with, the bringing of the complaint upon which the final order was issued." 29 C.F.R. §24.6(b)(3). After reviewing the

application and briefs submitted by the parties, the Board concludes that the amounts specified are reasonable. Complainant is hereby awarded the total attorney fees and costs requested in the amount of \$14,692.00.

SO ORDERED.

KARL J. SANDSTROM
Chair

PAUL GREENBERG
Member

CYNTHIA L. ATTWOOD
Acting Member